

Act takes effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1873.

CHAPTER XLIX.

AN ACT FIXING THE AMOUNT OF ATTORNEY'S OR SOLICITOR'S FEE TO BE CONTAINED IN MORTGAGES UPON REAL ESTATE SITUATE WITHIN THIS STATE.

Be it enacted by the Legislature of the State of Minnesota:

Allowances in
detail for attor-
neys fee.

SECTION 1. That in all cases and whenever any mortgage hereinafter executed, covering any lands in this state, shall contain any covenant on the part of the mortgagor, to pay any sum as an attorney's or solicitor's fee in case of the foreclosure of such mortgage, or when any such mortgage shall contain any stipulation or provision, authorizing or empowering the mortgagee in case of any sale of the mortgaged premises, either upon foreclosure by action or by advertisement, to retain any sum whatever as an attorney's or solicitor's fee, the amount of such fee contained in such mortgage shall not exceed the following sums, to-wit: when the amount of the debt secured by such mortgage shall not exceed the sum of five hundred dollars, the amount of such attorney's or solicitor's fee shall not exceed the sum of twenty-five dollars; when the amount of such debt shall exceed the sum of five hundred dollars, and shall not exceed the sum of one thousand dollars, the amount of such fee shall not exceed the sum of fifty dollars; when the amount of such debt shall exceed the sum of one thousand dollars, and shall not exceed the sum of five thousand dollars, the amount of such fee shall not exceed the sum of seventy-five dollars; when the amount of such debt shall exceed the sum of five thousand dollars, and shall not exceed the sum of ten thousand dollars, the amount of such fee shall not exceed the sum of one hundred dollars; when the amount of such debt shall exceed the sum of ten thousand dollars, the

amount of such fee shall not exceed the sum of two hundred dollars, and in all cases where any such mortgage shall contain any covenant to pay, or shall in any manner authorize or permit the retaining or application of any greater sum as an attorney's or solicitor's fee in case of the foreclosure of such mortgage, than as is herein provided, such covenant or authority shall be void for the excess of such fee above the fee herein provided; and no such excess whatever shall be collected, retained, or applied by virtue of anything in such mortgage contained.

SEC. 2. That in all cases where any mortgagee, or his heirs, executors, administrators or assigns, shall foreclose any mortgage without the employment of an attorney of the courts of record of this state to conduct such foreclosure, such mortgagee or other person shall not be entitled to collect, demand, receive or retain any sum whatever as an attorney's or solicitor's fee; and in all such cases where any sum whatever as or for such fee is included in or made a part of the amount of the bid upon which the mortgaged premises are sold, the amount of such fee so included in such bid shall be paid in money by the purchaser to the sheriff or other officer making such sale before the certificate of such sale shall be executed, and shall be by such sheriff or other officer paid to the mortgagor or those having his estate in the mortgaged premises.

In foreclosures without attorney, no sum allowed as a fee.

SEC. 3. That where any such mortgage shall contain any covenant to pay, or any stipulation or provision authorizing or empowering the mortgagee in case of any foreclosure sale of the mortgaged premises to retain any sum such as is in this act provided as an attorney's or solicitor's fee, such mortgagee or his heirs, executors, administrators, or assigns shall be entitled to collect or retain such fee upon the foreclosure of such mortgage, either by action or advertisement.

Lawful fees may be collected.

SEC. 4. This act shall take effect and be in force from and after the first day of May, A. D. one thousand eight hundred and seventy-three.

Act takes effect.

Approved March 7, 1873.